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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,608	04/14/2005	Renatus Josephus Van Der Vleuten	NL 021035	8165

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

ARANI, TAGHI T

ART UNIT PAPER NUMBER

2131

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/531,608

Applicant(s)

VAN DER VLEUTEN ET AL.

Examiner

Taghi T. Arani

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/10/2005.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Taghi T. Arani  
Primary Examiner  
By 2131  
Telu D. Arani  
10127106

**DETAILED ACTION**

1. Claims 1-17 have been examined and are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-6, 8-9, 11-12, 15-17 are rejected under 35 U.S.C. 102(a)(b) as being substantially anticipated by EP 1 233 591 A2 (IDS filed 11/10/2005).

As per claims 1, 8 15-17, EP 1 233 591 A2 discloses a method, an apparatus, a receiver and a storage medium for delivering content to a user, comprising (Abstract, Figs 1-3):

providing a data bit-stream having a base layer data bit-stream and at least one enhancement layer data bit-stream (paragraphs 0007-0008);

storing the base layer data bit-stream and the at least one enhancement layer data bit-stream separately in a storage device (paragraph 0007, i.e. the server on which the associated layered AV resides);

offering the stored content at different quality levels (paragraphs, 0007-0008, and 0031, i.e. layered unicast scheme);

receiving a request from the user for the content at a specified quality level  
(paragraphs 0031, and 0039);

downloading to the user the base layer data bit-stream and however many enhancement  
layer data bit-streams are needed to produce the specified quality level (paragraphs 0009, 0035  
and 0043).

**As per claims 2 and 9**, EP 1 233 591 A2 discloses the method and the apparatus  
according to claims 1 and 8 respectively, wherein the data bit-stream is a video bit-stream  
(paragraph 0007, i.e. AV data, see also paragraph 0039).

**As per claims 4 and 11**, EP 1 233 591 A2 discloses the method and the apparatus  
according to claims 2 and 9 respectively, further comprising the step of:

adding quality information to each video bit-stream specifying the quality level of the  
individual video bit-stream, wherein the storage device reads the quality information so as to  
download the video content with the quality level specified by the user (paragraph 00004, i.e. a  
third layer that consists of color information, paragraph 0005, where the client can request as  
many as layers as desired, see also paragraph 0012, where pre-fetching option is disclosed.).

**As per claims 5 and 12**, EP 1 233 591 A2 discloses the method and the apparatus  
according to claims 2 and 9 respectively, further comprising the step of:

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lowering the available quality level in the storage device by deleting at least one enhancement layer for the video content when the user does not select the video content within a predetermined period of time (col. 13, lines 1-7).

As per claims 6 and 13, EP 1 233 591 A2 discloses the method and the apparatus according to claims 2 and 9 respectively, wherein the storage device determines the specified quality level based on the number of different quality layers available for the selected video content (col. 9, paragraph, 0031, line 55 though col. 10, line 1, where it is disclosed that the client first obtains from the server (i.e. storage device) specifics as to the layering and identification scheme employed in conjunction with the program).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 3, 7, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1 233 591 as applied to claims 1 and 8 above, and further in view of US 6,957,350 to Demos.

**3. As per claims 3 and 10,** EP 1 233 591 does not teach but Demos teaches encrypting the base layer video bit-stream using a first encryption; encrypting each enhancement layer video bit-stream using different encryption (col. 21, lines 33, 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Demos within the method and system taught in EP 1 233 591 to encrypt the base layer and the enhancement layer of the video bit-stream using different encryption to allow protection of the video-bit stream so that only users with keys can easily access the information (Demos, col. 21, lines 20-23).

**As per claims 7 and 14,** EP 1 233 591 does not teach but Demos teaches wherein the base layer data bit-stream and the at least one enhancement layer data bit-stream are encoded prior to being stored (col. 21, lines 5-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Demos within the method and system taught in EP 1 233 591 to encode the base layer and at least one enhancement layer data bit stream for efficient storage and distribution of the data bit-stream (Demos, col. 8, lines 10-15).

#### **Conclusion**

**4. Prior arts made of record, not relied upon:**

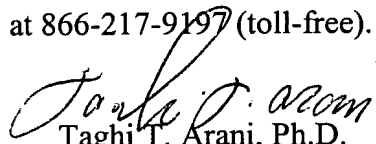
US 5,995,150 to Hsieh et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Taghi T. Arani, Ph.D.  
Primary Examiner  
Art Unit 2131  
10/27/2006